

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

ANDREW MAXWELL,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No.: 3:08-cv-254-RJC
	)	
KRISTINA MAXWELL,	)	
	)	
Respondent.	)	
	)	

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**ORDER ON RESPONDENT'S HEARSAY OBJECTIONS**

On July 31, 2008, the Court held a full and final evidentiary hearing concerning Andrew Maxwell's Verified Petition seeking return of his minor children to their habitual residence in Australia pursuant to the International Child Abduction Remedies Act, 42 U.S.C. §§ 11601 et seq., the federal statute implementing the Hague Convention on the Civil Aspects of International Child Abduction, T.I.A.S. No. 11,670, 1343 U.N.T.S. 89 (Oct. 25, 1980).


At the hearing, Respondent Kristina Maxwell made general, unspecified objections to hearsay evidence in the affidavits and statutory declaration of Andrew's witnesses, and also to the affidavit of Kym Duggan, an Australian barrister and solicitor offering his opinion of Andrew's rights concerning the Children under Australian law at the time that Kristina removed the Children from Australia.

The Court took the matter under advisement at the hearing, and, having concluded that the Federal Rules of Evidence apply to this proceeding, now issues the following rulings on the Respondent's objections.

<b>Exhibit</b>	<b>Respondent's Objection</b>	<b>Ruling</b>
35: Affidavit of Annette Casson  36: Affidavit of Maryanne Land  37: Statutory Declaration of Lucia Murdock  38: Affidavit of Tisa Smith  39: Affidavit of Sean Russell	Hearsay	INADMISSIBLE.  Even if were admitted, the Court deems it of marginal probative value and cumulative of other evidence. Further, its corroborative value is diminished since the petitioner had no opportunity to cross-examine the declarant and the Court had no opportunity to assess credibility.
34: Affidavit of Kym Duggan	Hearsay	ADMISSIBLE pursuant to Federal Rule of Civil Procedure 44.1.

**IT SO ORDERED.**

Signed: August 1, 2008

  
Robert J. Conrad, Jr.  
Chief United States District Judge

